



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS	REDEVELOPMENT AGENCY
Dennis Kennedy, Mayor	Dennis Kennedy, Chair
Hedy Chang, Mayor Pro Tempore	Hedy L. Chang, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Greg Sellers, Council Member	Greg Sellers, Agency Member
Steve Tate, Council Member	Steve Tate, Agency Member

WEDNESDAY, SEPTEMBER 3, 2003

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL AND REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

6:00 P.M.

A Special Meeting of the City Council and Redevelopment Agency is Called at 6:00 P.M. for the Purpose of Conducting Closed Sessions.

Dennis Kennedy, Mayor/Chairman

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

6:00 P.M.

City Council Action and Redevelopment Agency Action

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Legal Authority: Government Code Sections 54956.9(b) & (c)
Number of Potential Cases: 2

2.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Legal Authority: Government Code 54957
Public Employee Performance Evaluation: City Manager
Attendees: City Council, City Manager

3.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Legal Authority: Government Code section 54956.9(a)
Case Name: Allivato v. City of Morgan Hill et al.
Case Number: Santa Clara County Superior CV 810111
Attendees: City Attorney, City Manager

4.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Legal Authority: Government Code 54956.8
Property: 215 Tennant Avenue, APN: 817-04-002
Negotiating Parties:
 For City: City Manager, Director of Public Works, and Attorney Gale Connor
 For Property Owners: Robert and Teresita Carrasco and Bruce Tichinin
Closed Session Topic/Under Negotiation: Price and Terms of Payment

5.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Legal Authority: Government Code 54956.8
Property: 95 Tennant Avenue, APN: 817-04-008
Negotiating Parties:
 For City: City Manager, Director of Public Works, and Attorney Gale Connor
 For Property Owners: Marko and Klara Gera
Closed Session Topic/Under Negotiation: Price and Terms of Payment

6.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Legal Authority: Government Code 54956.8
Property: 145 Tennant Avenue, APN: 817-04-008
Negotiating Parties:
 For City: City Manager, Director of Public Works, and Attorney Gale Connor
 For Property Owners: Joseph Hernandez, as trustee; et al
Closed Session Topic/Under Negotiation: Price and Terms of Payment

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATION

National Alcohol and Drug Addiction Recovery Month
Mayor Kennedy

Constitution Week (Sep 17 – Sep 23)
Daughters of the American Revolution, Marion Smith

PRESENTATION

Morgan Hill Historical Society
Carol Holzgrafe and Gloria Pariseau

CITY COUNCIL REPORT

Council Member Chang

CITY COUNCIL SUB-COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.
(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**
(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council Action

CONSENT CALENDAR:

ITEMS 1-12 The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate **Page**
Consent Calendar: 1 - 10 Minutes

1. **HIGH SPEED RAIL ROUTE** 1
Recommended Action(s): Council Member Carr Recommends **Adoption** of Resolution.

2. **PERFORMANCE AUDIT CONTRACT FOR SOUTH VALLEY DISPOSAL** 5
Recommended Action(s): **Authorize** the City Manager to Execute an Agreement with Environmental Planning Consultants in the Amount of \$37,400.

3. **CANCELLATION OF AGRICULTURAL PRESERVE AND LAND CONSERVATION CONTRACTS** 7
Recommended Action(s): **Adopt** Resolution Cancelling Land Conservation Contract.

4. **AMENDMENT OF AGRICULTURAL PRESERVE AND LAND CONSERVATION CONTRACTS** 19
Recommended Action(s): **Adopt** Resolution Amending Agricultural Preserve Resolution No. 1258.

5. **ACCEPTANCE OF SUBDIVISION IMPROVEMENTS FOR TRACT 9383, STERLING ESTATES** 29
Recommended Action(s):
 1. **Adopt** Resolution Accepting Subdivision Improvements Included in Tract 9383, Commonly Known as Sterling Estates; and
 2. **Direct** the City Clerk to File a Notice of Completion with the County Recorder's Office.

6. **REIMBURSEMENT FOR UNDERGROUNDING OF OVERHEAD UTILITIES BY LIVE WIRE, L.L.C. (HARLEY DAVIDSON)** 35
Recommended Action(s): **Authorize** Reimbursement of \$53,185 for Undergrounding of Overhead Utilities by Live Wire, L.L.C.

7. **ADOPT ORDINANCE NO. 1628, NEW SERIES** 51
Recommended Action(s): **Waive** the Reading, and **Adopt** Ordinance No. 1628, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING DEVELOPMENT AGREEMENT, DA-03-03: HALE-GARCIA (APN 764-09-27 and 764-09-026).**

	Time Estimate		Page
	Consent Calendar: 1 - 10 Minutes		
8.	<u>ADOPT ORDINANCE NO. 1629, NEW SERIES</u>		55
	<u>Recommended Action(s):</u> <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1629, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL ENACTING CHAPTER 8.80 (Disking Restrictions) OF TITLE 8 (HEALTH AND SAFETY) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL REGARDING RESTRICTIONS ON DISKING VACANT LAND .		
9.	<u>ADOPT ORDINANCE NO. 1630, NEW SERIES</u>		61
	<u>Recommended Action(s):</u> <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1630, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING SECTIONS 18.30.010, 18.30.020, 18.30.050, AND 18.30.110 OF CHAPTER 18.30 (PUD PLANNED UNIT DEVELOPMENT DISTRICT) OF TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL REGARDING AMENDMENT FOR CONSISTENCY WITH MOBILE HOME CONVERSION ORDINANCE.		
10.	<u>ADOPT ORDINANCE NO. 1631, NEW SERIES</u>		67
	<u>Recommended Action(s):</u> <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1631, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL ADOPTING CHAPTER 17.38 (MOBILE HOME PARK CONVERSIONS TO RESIDENT OWNERSHIP OR TO ANY OTHER USE) OF TITLE 17 (SUBDIVISIONS) OF THE MORGAN HILL MUNICIPAL CODE.		
11.	<u>APPROVE SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES FOR AUGUST 20, 2003</u>		85
12.	<u>AUTHORIZE REIMBURSEMENT/CREDIT OF TRAFFIC IMPACT FEES TO SOUTH VALLEY DEVELOPERS, INC. – MONTEREY ROAD APN 764-10-004</u>		115
	<u>Recommended Action(s):</u>		
	1. <u>Approve</u> an Appropriation of \$210,723 from the Current Year Unappropriated Traffic Impact Fee Fund and		
	2. <u>Authorize</u> Reimbursement of These Funds to South Valley Developer, Inc.		

City Council Action

PUBLIC HEARINGS:

	Time Estimate		Page
13.	8 Minutes	<u>DEVELOPMENT AGREEMENT AMENDMENTS, DAA 99-04/DAA 00-07/DAA 01-01: EAST DUNNE-PACIFIC UNION HOMES (TROVARE/MORGAN MEADOWS).</u>	119
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	

- Action- **Motion to Waive** the Reading in Full of Ordinance Amending Development Agreement DA 99-04.
- Action- **Motion to Introduce** Ordinance Amending Development Agreement DA 99-04 by Title Only. (Roll Call Vote)
- Action- **Motion to Waive** the Reading in Full of Ordinance Amending Development Agreement DA 00-07.
- Action- **Motion to Introduce** Ordinance Amending Development Agreement DA 00-07 by Title Only. (Roll Call Vote)
- Action- **Motion to Waive** the Reading in Full of Ordinance Amending Development Agreement DA 01-01.
- Action- **Motion to Introduce** Ordinance Amending Development Agreement DA 01-01 by Title Only. (Roll Call Vote)

City Council Action

OTHER BUSINESS:

	Time Estimate		Page
14.	2 Minutes	<u>HEARING FOR EXEMPTION TO UNDERGROUNDING UTILITIES – 17500 DEPOT STREET</u>	137
		<u>Recommended Action(s):</u>	
		1. <u>Open and Close</u> Hearing; and	
		2. <u>Grant</u> Exemption to the Requirement to Underground Utilities with Payment of in Lieu Fees for the Proposed Development at 17500 Depot Street.	
15.	15 Minutes	<u>YMCA CONTRACT FOR PROGRAMMING AT THE INDOOR RECREATION CENTER</u>	143
		<u>Recommended Action(s):</u>	
		1. <u>Direct</u> Staff to Negotiate a Contract with the Mt. Madonna YMCA for the Provision of Aerobics, Aquatics and Fitness Programs at the Indoor Recreation Center (IRC); and	
		2. <u>Invite</u> YMCA to Identify a Staff Person to be involved in the IRC Design Process.	
16.	15 Minutes	<u>COMMUNITY CONFERENCE ON LEADERSHIP, DEVELOPMENTAL WORKSHOP AND EVENING OF THE ARTS EVENT – TUESDAY, OCTOBER 21, 2003</u>	145
		<u>Recommended Action(s):</u>	
		1. <u>Approve</u> Co-sponsorship of This Event by Providing In-Kind and Staff Support;	
		2. <u>Approve</u> Applying for an Artistic and Program Excellence Grant Through the Arts Council Silicon Valley; and	
		3. <u>Consider</u> Morgan Hill Community Foundation’s Request for Appropriation of \$2,500.	

Redevelopment Agency Action

OTHER BUSINESS:

	Time Estimate		Page
17.	10 Minutes	<u>OFF-SITE IMPROVEMENTS FOR DAY WORKER CENTER</u>	151
		<u>Recommended Action(s):</u>	
		1. <u>Direct</u> Staff to Prepare the Necessary Agreements to Fund the Off-Site Improvements for the Day Worker Center; and	
		2. <u>Bring</u> Such Agreements to the Agency for Consideration as Soon as Possible.	

City Council and Redevelopment Agency Action

OTHER BUSINESS:

	Time Estimate		Page
18.	5 Minutes	<u>ACTING MAYOR PRO TEMPORE/VICE-CHAIR FOR THE SEPTEMBER 17, 2003 CITY COUNCIL/REDEVELOPMENT AGENCY JOINT MEETING</u>	159
		<u>Recommended Action(s):</u> <u>Appoint</u> an Acting Mayor Pro Tempore/Vice-Chair for the September 17, 2003 Joint City Council and Redevelopment Agency Meeting.	
19.	5 Minutes	<u>REVIEW CITY COUNCIL AND REDEVELOPMENT AGENCY'S NOVEMBER, DECEMBER, AND JANUARY MEETING SCHEDULE</u>	161
		<u>Recommended Action(s):</u>	
		1. City Council and Redevelopment Agency <u>Discussion</u> and <u>Direction</u> Regarding the November, December and January Meeting Schedule; and	
		2. <u>Set Dates</u> for Workshop Items and Annual Goal Setting Retreat.	

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT